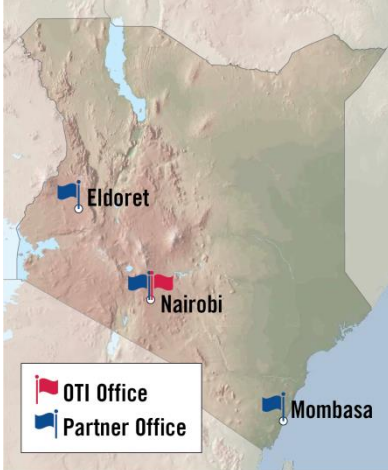




Office of Transition Initiatives

KENYA



OTI MISSION STATEMENT

To support U.S foreign policy objectives by helping local partners advance peace and democracy in priority countries in crisis. Seizing critical windows of opportunity, OTI works on the ground to provide fast, flexible, short-term assistance targeted at key political transition and stabilization needs.

FAST FACTS

Start Date: January 2011
Total Budget: \$34.39 million
TI: \$14.17 million
EAS: \$4.69 million
CCF-Coast: \$3.93 million
XENO: \$2.93 million
DFID: \$2.03 million
Devolution \$1.90 million
CVE-Coast: \$1.75 million
PREACT: \$1.62 million
Youth: \$1.44 million
DRG: \$500,000
1207: \$325,000
PER: \$250,000
HRG: \$200,000
ES-SUP: \$148,719

PROGRAM DESCRIPTION

The Kenya Transition Initiative (KTI) program, implemented through USAID's Office of Transition Initiatives (OTI), was initiated in June 2008 following post-election violence that rocked the country. The goal of the program is to support stability and unity within the country by contributing to a politically modern Kenya centered on national identity rather than ethnicity. KTI is centered on multi-pronged efforts supporting institutional and grassroots reforms.

The program assists Kenyan state and non-state actors to exercise more fully their capacities and in so doing supports the following broad objectives:

- Enable public institutions to undertake fundamental reforms and to manage instability and uncertainty
- Mobilize the public, especially the youth and key change agents, to demand accountability and reform
- Mitigating instability due to the war in Somalia

In March 2013, Kenya carried out its first General Election under the 2010 constitution. The elections not only saw a change of guard in the presidency but gave birth to a new devolved system of governance. This new structure resulted in the transfer of power and governance from the national government to newly created county governments. As a response to these contextual developments and a request from USAID/Kenya, KTI refocused its programming to strengthen public institutions at the county level in order to advance governance service deliver that is more inclusive, transparent, and accountable. In addition to this, KTI began to actively empower civil society organizations and the media through a series of trainings to effectively represent citizen's interest and aspirations to the county governments.

KTI was initially implemented by Development Alternatives Incorporated (DAI) under a task order that closed in May 2011. Chemonics International began implementing KTI activities under a separate task order in January 2011 and will continue through April 2014. This report covers activities and events between October 1, 2012 and September 30, 2013.

PROGRAM AREAS

Public Institution Strengthening: Historically, electoral periods in Kenya have been characterized by rising inter-ethnic tensions. In 2007, these tensions escalated into the worst election-related violence that Kenya had ever experienced leading to thousands of deaths, injuries, and displacements. Despite Kenya's enactment of a progressive Constitution in 2010, the 2013 General Elections were set to be indicative of Kenya's ability to break the cycle of electoral violence. The Independent Electoral and Boundaries Commission (IEBC) was assigned overall administration of the election so as to give credibility to the process.

The IEBC conducted voter registration at the sub-county level, however financial constraints led to the delayed commencement of voter education programs at the grassroots level in the coastal region of Kenya. To encourage voter registration, the process needed to be transparent and efficiently managed. With KTI support, IEBC was able to hold 30 voter education forums in three “hot spot” counties: Mombasa, Kwale, and Kilifi – accelerating voter education at the grassroots level. Reaching more than 300 people per session, the forums ‘demystified’ perceptions surrounding the elections, and ultimately helped ensure unprecedented (and uncharacteristic) coastal region voter turnout. “KTI’s funding helped us hit our targets as the IEBC at the Coast. We were able to overcome the problems which we were facing with voter illiteracy. Voter education was the only way to get people at the grassroots level to understand how important the elections were,” attested the IEBC North Coast Regional Election Coordinator, [REDACTED].

On Election Day, KTI supported the IEBC to properly mark polling centers in an effort to reduce confusion amongst voters. KTI also helped the IEBC by providing Information, Education and Communication (IEC) materials to be used in polling centers in the Coastal and Eastern region of the country during the elections. One IEBC Election Coordinator stated, “The IEBC materials that KTI helped provide helped to make our work easier on the Election Day as the voters were able to use the signs as a guide on where to go and what to do making the process much simpler for them.”

The Kenya National Land Commission (NLC) was established by the 2010 constitution to manage public land on behalf of the national and county governments. In 2012, nine individuals were nominated to serve in the NLC, however, a petition challenging their nomination was filed in court preventing them from taking office. In February 2013, the high court ordered the president to publish the names of the commissioners and on February 20, 2013 the NLC was gazetted. Delays in the swearing in of the commissioners led to concerns regarding whether land reform in Kenya would ever be actualized. In support of the reforms and to provide a smooth inception for the NLC, KTI helped provide office space, equipment, and technical assistance allowing the NLC and its staff to quickly start on their mandated responsibilities.

Devolution in Kenya is intended to provide a structure of equitable resource sharing aimed towards enabling national unity while at the same time promoting democratic and accountable governance. With Kenya making this transition, KTI was asked by USAID/Kenya to take advantage of potential windows of opportunity to engage with various county governments to build their capacity in order to facilitate their effective management of their counties in the first years of implementation.

As the newly instituted County Assemblies began to conduct business and create legislation that would ultimately have an impact on the success of devolution in Kenya, a pertinent need for training in proper procedural processes arose. In order to rapidly build the capacity of these county assemblies KTI partnered with the Centre for Parliamentary Studies (CPST), a quasi-governmental entity mandated to support the county-level legislatures, to conduct a series of trainings. Through KTI’s support, CPST was able to hold a high-level training of trainers’ session attended by well-known legislative and public administration experts, including former members of parliament. The training allowed CPST to significantly expand its pool of experts resulting in the training of 1,031 county assembly members on proper management of committees, budget oversight, and core legislative procedures and practices. With the success of the roll out of trainings to various counties, the Speaker for Tana River County stated “I am very happy with what KTI is doing to ensure that our MCAs fully understand their role in the County assemblies. A lot of thought has been put in selecting the trainers in all the trainings and this is very commendable.”

Newly elected governors and their executives also lacked specific knowledge of their roles and responsibilities in the new county governance structure. KTI partnered with the Kenya School of Government and rolled out various induction trainings and workshops throughout the country where these county officials were provided basic information on how to function in the new system. The trainings not only helped the county officials, but also built the capacity of the Kenya School of Government to be able to provide capacity building, per their governmental mandate, to counties in the future.

Youth Engagement: In Kenya, 60 per cent of the population is comprised of youth. In the lead up to the elections KTI noted that one of the major challenges affecting youth was their vulnerability to incitement by politicians. To ensure that the youth kept an active role in peace keeping during the electoral period, KTI engaged the youth in a variety of ways. At the Coast, KTI partnered with theatre groups to educate and empower youth in Kwale, Kilifi, and Mombasa on how to peacefully take an active role in the General Elections. Through art the theatre groups were able to relay information to the youth on their rights, land reform and how devolution would have an impact on them. The plays also highlighted the benefits of active participation in the electoral process and the pitfalls of

political manipulation. “This particular general election was the most complex in Kenya’s history and the norm of conducting civic education to pass on critical messages was not sufficient. Creativity was a must to pass on convoluted messages to the electorate in a witty and satirical manner. Through the activities conducted in this grant we pass(ed) on critical messages in a way that resonated and stuck with the electorate,” said [REDACTED], a member of a grantee holding street theatre performances on the Coast.

With devolution, immense resources and powers were transferred from the national government to the county government to administer better service delivery. To ensure the efficient implementation of devolution at the county level there is a pertinent need for accountability. However despite the Constitution recognizing public participation as one of the principles of governance integral to the promotion of accountability by County Governments, most individuals do not understand the process involved. To counter misconceptions that may arise, KTI carried out a series of trainings to build the capacity and increase knowledge and understanding of devolution amongst Civil Society Organizations (CSO) at the county level. The CSOs were mostly youth groups who were vital in moving forward conversations on devolution among Kenyan youth. The trainings engaged the CSOs on the county planning and budgeting processes, oversight governance structures, public participation and devolution of powers from national to the county level. The training of CSOs on the legislation governing devolution has empowered them to exercise their oversight role in holding county governments to account [REDACTED]. [REDACTED] stated “We have not been trained before on devolution particularly on the more technical aspect such as budget and therefore USAID has played a big role in enhancing my capacity to engage more and better with both the County governments and the public. The knowledge gained from this training was very captivating as not many organizations/people are training people on devolution. Also, the training has provided a very good networking opportunity for CSOs from Nairobi, Central and Rift Valley.”

COUNTRY SITUATION

Change of Guard – On March 4, 2013, Kenya held its first elections under the new constitution that was passed during the 2010 referendum. During these elections, Kenyans not only selected their preferred presidential candidate but also county governors, senators, county wards representatives, women county representatives, and members of parliament. The election was the first of its kind to be run by the IEBC, and voter turnout was impressive with more than 85 percent of registered voters showing up to vote. After five days of manual vote tallying, Uhuru Kenyatta was declared the winner of the presidential race, surpassing the constitutionally required 50 percent vote threshold by a mere 8,419 votes. Kenyatta’s closest competitor, Prime Minister Raila Odinga, rejected the results and filed a petition at the Supreme Court seeking to overturn the entire electoral process. Odinga cited irregularities in voter registration, transparency, and results verification, and sought the invalidation of Kenyatta’s win. Odinga was joined by the Africa Center for Open Governance, which argued that the failure of the IEBC to use the electronic transmission of results compounded the credibility of the transmission process and contravened the constitution by using a manual system to tally the votes while ignoring the fact that voter turnout in many constituencies was recorded as being higher than those registered. On March 30th, 2013, the Supreme Court upheld the election of Kenyatta as Kenya’s fourth president. In a unanimous judgment, the six judges stated that the IEBC had conducted the elections in a free, fair, and credible manner in accordance with the constitution and relevant laws, dismissing Odinga’s and AFRICOG’s calls for fresh elections. Odinga accepted the Supreme Court’s ruling with the caveat that “Kenyan’s lost their right to know what indeed happened.” Mr. Kenyatta was sworn in as Kenya’s fourth president, pledging to reconcile the country with the promotion of peace and ending the cycle of violence that accompanied past elections.

ICC Trials – The President of Kenya, Uhuru Kenyatta and the country’s Deputy President, William Ruto, are both on trial for crimes against humanity as a result of the 2007/2008 Post-Election Violence. The trial for the Deputy President and his co-accused, journalist Joshua Sang, began in September 2013 while the President’s case will begin in November making him the first sitting head of state to stand trial. In an effort to stop the president from attending trials, the Kenyan parliament approved a motion to withdraw from the ICC following an emergency debate. The African Union (AU) also called for a special summit to discuss a mass pull-out from the ICC in protest at the trial of Kenya’s Deputy President William Ruto. The summit resulted with the AU calling for the adjournment of the cases.

Judiciary Fall Out – The judiciary is currently conducting an inquiry that has pitted a war between the Judicial Service Commission (JSC) and Chief Registrar Gladys Shollei. The Chief Registrar has been accused of financial impropriety. The JSC has cited misappropriation of funds, insubordination, and incompetence as some of the reasons for the inquiry. The JSC is expected to make a decision on whether to relieve the registrar of her duties or not.

Terrorist Attacks – Kenya has been under a heightened state of alert since the incursion of Kenyan troops into Somalia in October 2011 with an increased threat level from Al-Shabaab and its sympathizers. Throughout the year there have been sporadic attacks on towns along the Kenyan -Somali Border. In September 2013, unidentified gunmen attacked Westgate shopping mall, an upscale shopping complex in the Westlands area of Nairobi. The attack which lasted four

days resulted in 67 deaths with more than 200 people reported wounded. Al Shabaab claimed responsibility for the attack as retribution for Kenya's military insurgence of Somalia.

UPCOMING EVENTS

October 2013	-	Judicial Service Commission rules on Chief Registrar
November 2013	-	President Uhuru Kenyatta begins his trial at the Hague
December 2013	-	Kenya celebrates 50 years of independence
February 2014	-	KTI field offices in Eldoret and Mombasa close
April 2014	-	KTI program closes

GRANTS SUMMARY

From October 1, 2012 through September 30, 2013, KTI has funded a total of **252** activities, including cleared, completed and closed grants, short-term technical assistance (STTA), and direct distribution of goods and services (DDGS), totaling **\$11,299,103**. The breakdown by sector for this annual year is as follows:

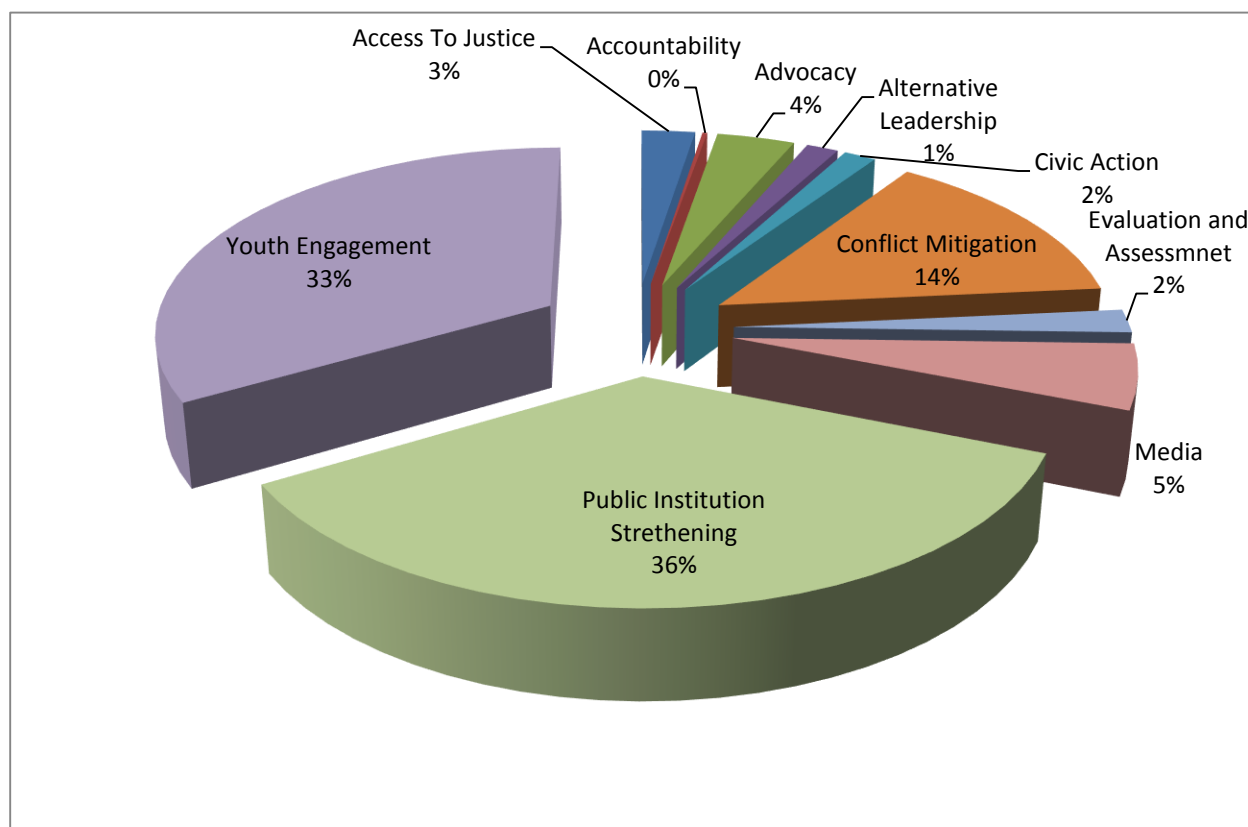


Figure 1: The percentages represented in the above diagram are indicative of amounts spent during this reporting period

ACTIVITIES

Facilitating Enhanced Service Delivery through Training: The 2010 Constitution established a system of government with each county having both a legislative and executive arm with which to ensure proper implementation of various county development goals. The legislative arm is comprised of members of the County Assembly elected from electoral wards, and nominated members representing special interests, while the executive team is comprised of the governor and deputy governor, and an executive committee of not more than ten members with the speaker as an ex-officio member. With the various roles and responsibilities outlined for each member of the County Assembly, there is room for MCAs to get confused on what their designated roles and responsibilities are resulting in the duplication of roles and strained relationships between the legislative arm and the executive. To ensure that the lack or low capacity of the MCAs to carry out their assigned roles doesn't hinder the effective running of county governments, KTI helped provide expert training to 19 Counties, County Executive Committee (CEC) members, members of the County Public Service Board (PSB), Members of the County Assembly (MCA), and nominated MCAs were taken through residence trainings on the tenets of devolution, their roles and responsibilities, and how they could best coordinate with each

other as well as facilitation of county planning, enabling legislation, ethics and a comprehensive training on relevant operational and procedural matters.

Supporting Counties with the Planning Process: The newly formed counties were mandated to have plans that would guide, inform and enhance their development progress. Despite the mandate given, a majority of the County Governments did not have the technical expertise on what would constitute a County Integrated Development Plan (CIDP). KTI partnered with seven counties: Meru, Uasin Gishu, Homa Bay, Elgeyo Marakwet, Trans Nzoia, Baringo and Nandi, to help support them in the development of their respective CIDP. KTI helped provide the County Governments with relevant technical expertise to facilitate the development of the CIDP through a collaborative process between members of the County Assembly and the electorate. “KTI’s support enabled Nandi County to be the first county in Kenya to complete its CIDP and table it to the County Assembly, without KTI’s support this would not have been possible,” said Nandi DG Dominic Biwott.



Members of the Nandi County Executive Committee discussing the constituents of the County Integrated Development Plan (CIDP)

training received, the reporters have begun to ensure that accurate information is passed on to the public and that media fulfills its role as a watchdog over the Government, holding county governments in the region accountable for progress. After the success of the trainings in the coast region the program was rolled out in Nairobi for 50 additional members of the press.

PROGRAM EVALUATION

This year was a time of notable changes for KTI both operationally and programmatically. During the reporting period KTI welcomed a new Chief of Party (COP) and also a new Regional Program Manager (RPM) for the Coast. In addition to the new COP and RPM, KTI saw a number of staff transition into new roles in other KTI offices.



Journalists attend the devolution training in Mombasa.

The Kericho field office was closed as part of KTI’s plan to consolidate operations in the Rift Valley in the project’s Eldoret office. The office was put in place to address the tensions in the South Rift region between different ethnic communities in the lead up to the election. The Kericho office implemented 59 activities worth more than \$1.2 million for an almost two-year period. The activities were geared towards empowering local communities to avert divisive politics and to embrace a culture of nationhood.

KTI received \$1.4 million from USAID/Kenya to support devolution activities as part of USAID’s efforts to bridge devolution programming until its planned devolution assistance program could begin. KTI also received \$2 million from the Department for International Development (DFID) which allowed the program to expand its engagement in devolution related activities.

In the past year, KTI hosted an OTI-Washington Lessons Learned Team (LLT). The team was tasked with learning from KTI’s best practices and had a series of engaging sessions with both program staff and grantees. The three-member team spent two weeks in-country interviewing key program personnel and grantees and visited select legacy grant activities. The team also delved into KTI’s programmatic focus, relevance, and operational procedures in an attempt to replicate its successes as well as learn from its challenges and roll out any lessons learned to other OTI country programs.

KTI also hosted a team of evaluation consultants who were tasked with appraising the program. The team engaged with staff, grantees, and other project stakeholders. Their report will be shared with the team in the next reporting period.

In the lead up to the General Elections, KTI held two rolling assessments to enable the program to gauge its responsiveness to the electoral environment. The assessments helped the program to determine its strategy and set priorities for the electoral period. In the Nairobi, Eldoret and Kericho rolling assessments the program team put an early warning response mechanism in place that was aimed at providing information to the team if any violence broke out and informing on what action might be taken.

After the General Elections, KTI had several programmatic meetings to restructure the nature of its program. With Kenya transitioning into the newly devolved structure, KTI staff noted the need to increase their knowledge and understanding of the devolution process so as to be able to generate relevant and targeted programming in the new devolution framework. To accomplish this, KTI piloted training on devolution for 35 of its program staff. The staff was taken through a three day devolution course taught by the Kenya School of Government, which focused on the three components of devolution: functional analysis in the new devolved structures, citizen participation in the devolution process, and principles of public financial management. As a result of the training more than \$ 2.2 million has been cleared in devolution related activities during the reporting period. With the success of the pilot training, modules for civil society members as well as legislative and executive members have been rolled out to effectively educate key state and non-state actors on the tenets of devolution.

In spite of the several challenges of operating in an environment where security risks are a reality, and having to ramp up program implementation quickly to respond to a variety of programmatic needs, KTI has effectively executed activities in several sectors over the past year, ranging from public institution strengthening to advocacy to conflict mitigation. As the program winds down, KTI is currently implementing significant programs that are tied to devolution with an aim of safeguarding the gains Kenya has made in reforms.

CONTACT INFORMATION

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